

UNITED STATES DISTRICT COURT

for

**EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

U.S.A. vs. Kenny Jerome McMillan

Docket No. 3:92-CR-73-1BO

Petition for Action on Supervised Release

COMES NOW Van R. Freeman, Jr., probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Kenny Jerome McMillan, who, upon an earlier plea of guilty to 21 U.S.C. § 841(a)(1), Possession with Intent to Distribute Cocaine Base (Crack), was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on August 24, 1993, to the custody of the Bureau of Prisons for a term of 210 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

On June 17, 2008, the sentence of imprisonment was reduced to a term of 168 months, pursuant to 18 U.S.C. § 3582 (c)(2). McMillan was released from custody on June 27, 2008, at which time the term of supervised release commenced.

On September 19, 2008, in response to his use of marijuana, the court modified the defendant's supervision to include the following conditions:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days as directed by the probation office and shall abide by all rules and regulations of the designated facility.
2. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days. The defendant shall begin the DROPS Program in the second use level.

On February 3, 2010, in response to an additional use of marijuana by the defendant, a two-day DROPS jail sanction was imposed.

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RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On October 7, 2011, the defendant tested positive for and admitted to the use of marijuana. We recommend, in lieu of another jail sanction, that the defendant participate in a cognitive behavioral treatment program to address his issues with poor decision making. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate in a cognitive behavioral program as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

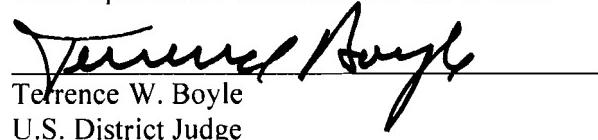
I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ Van R. Freeman, Jr.
Van R. Freeman, Jr.
Senior U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: October 11, 2011

ORDER OF COURT

Considered and ordered this 17 day of October, 2011, and ordered filed and made a part of the records in the above case.


Terrence W. Boyle
U.S. District Judge